

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8977 of 2021

Arising Out of PS. Case No.-167 Year-2020 Thana- MADHUBAN District- East Champaran

Motilal Paswan, Son Of Bijli Paswan, R/O Village-Krishna Nagar, P.S.-
Madhuban, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-07-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Madhuban P.S. Case No.167 of 2020 registered for the offence
punishable under Section 25(1-b), a, 26 of the Arms Act.

For arresting the petitioner in connection with
Madhuban P.S. Case No.166 of 2020, the police have gone to
the petitioner's house where he had concealed himself. As per



allegation in the F.I.R., he has been apprehended and there is recovery of one country made pistol from the petitioner's possession.

Counsel for the petitioner submits that the recovery is false and baseless. No such arms was recovered from the petitioner. He has only been apprehended from his house in connection with the said case. He is in custody since 04.06.2020. In four, out of five cases mentioned in paragraph 3, he is already on bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of Ms Kumari Jyotsana, learned Judicial Magistrate, 1st Class, East Champaran at Motihari, in connection with Madhuban P.S. Case No.167 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as



to how he is related with the petitioner.
The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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